

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DAVID K. RENTSCH,

Plaintiff,

v

Case No. 18-12491

Honorable Thomas L. Ludington

ERIC HERBERT, ROBERT ARTMAN,

Defendants.

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**ORDER GRANTING PLAINTIFF'S REQUEST FOR AN EXTENSION OF TIME AND  
DENYING REQUEST FOR COURT-APPOINTED COUNSEL**

On July 23, 2018, Plaintiff David K. Rentsch filed a complaint against Defendants Eric Herbert and Robert Artman. ECF No. 1. Defendants are correctional officers at the Macomb Correctional Facility. Plaintiff claims that they used excessive force against him when Plaintiff was an inmate. On May 24, 2019, Defendants filed a motion for summary judgment. ECF No. 17. On June 20, 2019, Plaintiff filed a response to the motion. ECF No. 22.

On October 16, 2019, Judge Stafford issued a report recommending that the motion for summary judgment be granted. ECF No. 25. Pursuant to 28 U.S.C. §636(b)(1) and Federal Rules of Civil Procedure 72(b)(2), the parties had two weeks from receipt of the report to file objections.

On November 8, 2019, Plaintiff filed a request for a 30 to 60-day extension to “file my motion.” ECF No. 26. Plaintiff does not explain what motion he intends to file. He mentions Defendants’ motion for summary judgment and claims that he did not receive “this paper” until October 31. ECF No. 26. It will be presumed that Plaintiff is referring to Judge Stafford’s report and recommendation regarding Defendants’ motion for summary judgment. It will be further presumed that Plaintiff is requesting an extension of time to file objections to the report and recommendation.

If Plaintiff received the report on October 31, 2019, his deadline to file objections is November 14, 2019. He requests the extension of time because he was recently moved to his current facility and believes that he will be moved again soon. This increases the risk that court documents will not reach him in a timely fashion. Accordingly, he will be granted 60 days from the date he claims to have received Judge Stafford's report (October 31, 2019) to file objections to her report.

Plaintiff further asks the Court to appoint him an attorney. Pro se plaintiffs do not have a constitutional right to counsel. *Lavado v. Keohane*, 992 F.2d 601, 605–06 (6th Cir. 1993). Rather, appointment of counsel in civil cases is a privilege “that is justified only by exceptional circumstances.” *Id.* at 606. No exceptional circumstances are present here. Plaintiff's suit is an archetypal claim of excessive force. As the alleged victim, Plaintiff himself is in the best position to articulate the sequence of events which led to his suit. The motion for appointment of counsel will be denied.

Accordingly, it is **ORDERED** that Plaintiff's request for court-appointed counsel is **DENIED**.

It is further **ORDERED** that Plaintiff's request for an extension of time, ECF No. 26, is **GRANTED**. Plaintiff may file objections to Judge Stafford's report and recommendation, ECF No. 25, on or before **December 30, 2019**.

Dated: November 14, 2019

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and to **David K. Rentsch** #275408, MICHIGAN REFORMATORY, 1342 WEST MAIN STREET, IONIA, MI 48846 by first class U.S. mail on November 14, 2019.

s/Kelly Winslow  
KELLY WINSLOW, Case Manager